

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
Beckley Division**

**CENTRAL WEST VIRGINIA  
ENERGY COMPANY, INC., et  
al.,**

**Plaintiffs,**

**v.**

**Civil Action No.: 5:09-cv-0467  
Judge Thomas E. Johnston**

**MOUNTAIN STATE CARBON,  
LLC, a Delaware Limited Liability  
Company, et al.,**

**Defendants.**

**NOTICE OF DEPOSITION  
OF CHARLES GRESS**

PLEASE TAKE NOTICE that pursuant to Rule 26 and 30 of the Federal Rules of Civil Procedure, Plaintiffs Central West Virginia Energy Company, Inc. (“Central West Virginia”) and Appalachia Holding Company, Inc. (“Appalachia Holding”) (collectively “Plaintiffs”) will take the deposition of Charles Gress, in his capacity as a designated corporate representative of Mountain State Carbon and Severstal Wheeling, on Friday, May 4, 2012 at 10:00 a.m. The deposition will be held in the offices of Dinsmore & Shohl, LLP, One Oxford Center, 301 Grant Street, Suite 2800, Pittsburgh, PA. This deposition may be used for all purposes allowable under the Federal Rules of Civil Procedure and will continue from day to day until such time as it is complete.

You are invited to attend to protect your interests.

**CENTRAL WEST VIRGINIA ENERGY CO. &  
APPALACHIA HOLDING COMPANY**

*BY COUNSEL*

*/s/ Robert M. Stonestreet*

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing **NOTICE OF DEPOSITION OF CHARLES GRESS** was served on the 23<sup>rd</sup> day of April, 2012 via the court's ECF system the following:

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